

All experience goes to show  
No mud can soil us but the mud  
we throw.  
—Lowell.

# THE SALT LAKE HERALD.

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## BRYAN FRES HOT SHOTS CANNON'S CAMP

Democratic Candidate Invades  
the Danville District and  
Talks Plainly.

SPEAKER'S HONESTY  
CALLED IN QUESTION

NEBRASKAN WANTS TO KNOW  
WHO BOUGHT CANNON'S IN-  
FLUENCE AND THE PRICE.

Toledo, Ill., Sept. 10.—Speaker Joseph G. Cannon today came in for a severe arraignment at the hands of William J. Bryan, who spoke at this place for ten minutes in support of E. C. Bell, the Democratic candidate for congress. When the train pulled in so great was the crowd that many sought the roof of the station and surrounding buildings. Mr. Bryan charged that Speaker Cannon, with the support of James S. Sherman, the Republican vice presidential candidate, had strangled legislation in the house in spite of the recommendations of the president.

### Cannon's Supporters.

"I presume," said Mr. Bryan, "that if the Republicans succeed and Mr. Cannon is elected, he will again be speaker, and Mr. Cannon represents what is known as the stand-pat idea in politics. He represents the theory that all is well and that nothing needs to be changed, and he has many people who agree with him, but the principal support that he finds is among those who have their hands in other people's pockets and do not want to be disturbed."

### Blocked Reform Legislation.

"Mr. Cannon does not represent the reforms for which Mr. Roosevelt has contended. We do not mean to say that Mr. Roosevelt has contended for enough reform nor that he has gone as far as he ought to have gone in the reform for which he has stood. But we can say that the speaker of the house has been opposed to him when the president has stood for reform, and that the speaker of the house has thwarted him whenever possible in making any progress toward reform."

### Wealth of Mr. Bryan.

Speaker Cannon Raises a Question Which Will Bother Him.  
Oney, Ill., Sept. 10.—Giving a detailed statement of the amount of property owned by him, which he placed at \$150,000 at the outside, William J. Bryan, Democratic candidate for president, in a speech here today declared as false the accusation of Speaker Joseph G. Cannon made yesterday in Springfield, Ill., that he was worth \$1,000,000, and called upon the speaker to be as frank in making known to the world the amount of his own earthly possessions. In the course of his remarks, Speaker Cannon is credited with saying that he was worth \$1,000,000, and that he had accumulated a million dollars selling wind and ink to the public.

### All Honestly Earned.

"I was worth about \$3,000 when I was elected to congress," said Mr. Bryan. "I served four years and by careful economy I saved between \$3,000 and \$4,000, or he is interested in the fact that when I went out of congress in the spring of 1895 I was worth about \$6,000 or \$7,000. During the period that elapsed between the end of my congressional term and my nomination for the presidency, about a year and four months, I was engaged in speaking and lecturing and added but a small sum to my savings. After the election in 1896, the maximum of my wealth, which was largely enhanced by the prominence which the campaign had given me, my book, 'The First Battle,' brought me about \$1,000, and an equal amount of the profits to the various committees that had carried on the campaign of 1896."

### Lectures Profitable.

"My lectures have been profitable, and my writings paid me well, but no one attends the lectures unless he wants to do so, and no one buys what I write unless he is interested in reading it. More than half of my time since 1896 has been given to gratuitous work, and yet I have been able to support myself and accumulate property which I would estimate at about \$25,000, but as one can never accurately say what property is worth until he sells it, I will fix \$150,000 as the outside limit, the maximum of my wealth, and I am willing to leave the public to determine whether that is more than I ought to have earned or whether I have."

Continued on Page 2.

## COMMODITIES CLAUSE UNDER THE DAN

Portion of Hepburn Act De-  
clared Unconstitutional by  
the Circuit Court.

OPINION WRITTEN BY  
JUDGE GEORGE GRAY

PENNSYLVANIA COAL ROADS DE-  
FENDANTS IN CASE BROUGHT  
BY FEDERAL GOVERNMENT.

Philadelphia, Sept. 10.—The commodities clause of the Hepburn railroad act was today declared to be unconstitutional by the United States circuit court for the eastern district of Pennsylvania.

Judges Gray and Dallas agreed in an opinion covering seventy-five typewritten pages that the clause is unconstitutional. Judge Bullington dissented, but did not file an opinion.

### The Commodities Clause.

The commodities clause constitutes the fifth paragraph of the first section of the interstate commerce act, it being one of the amendments made by the Hepburn railroad act of June 23, 1906. The clause provides that after May, 1908, it shall be unlawful for any railroad company to transport from one state to another or to any foreign country any article or commodity manufactured, mined or produced by it, under its authority, directly or indirectly, except such article or commodity as may be necessary for its use in the conduct of its business as a common carrier. The clause exempts lumber and its manufactured products and is aimed particularly at railroads owning coal mines.

### Railroads Involved.

The case was argued on June 16 and 17. The railroad companies involved were the Jersey Central, the Lehigh Valley, Erie, Delaware, Lackawanna & Western, Delaware & Hudson, Pennsylvania and Philadelphia & Reading. Ninety per cent of the unmined anthracite coal in Pennsylvania belongs to these corporations or to coal companies whose shares are held by them. Philadelphia & Reading's case was not argued along with the others, because of certain questions of law involved in its ownership.

The commodities clause case was considered so important that Attorney General Bonaparte came to this city and personally made the principal argument in behalf of the government.

### Clause Never Enforced.

Prior to the clause going into effect the anthracite coal carrying railroads went before the interstate commerce commission and said that they could not comply with the clause without making great sacrifices. Thereupon the government agreed not to enforce the clause until a decision was had upon points involving its constitutionality.

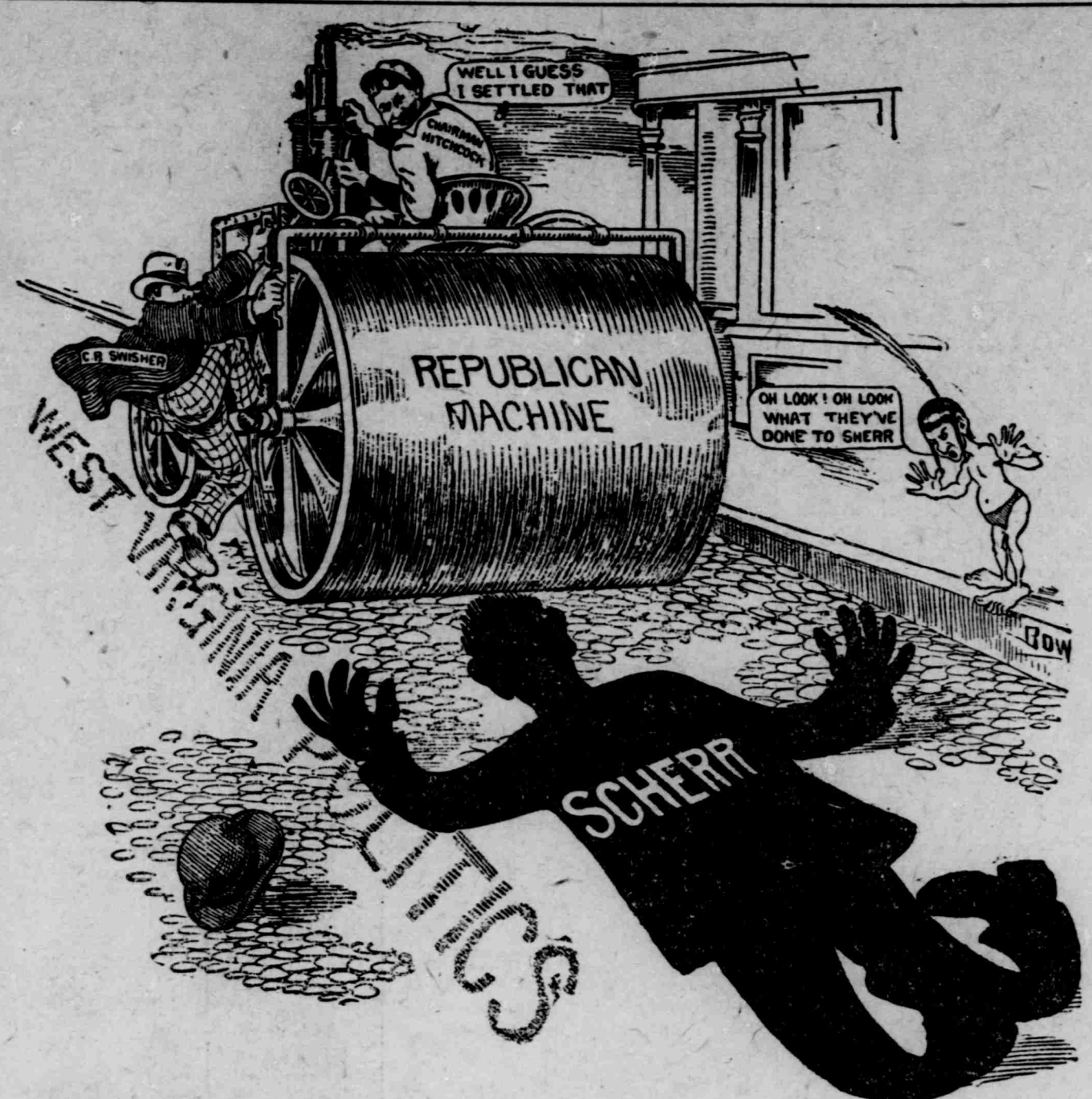
The department of justice then filed a bill in equity upholding the government's contention that the clause was constitutional. The railroads in their answers, declared the clause to be confiscatory, discriminating and a prohibition and not a regulation; that it deprived the railroads of their property and violated a right reserved to the states.

The interstate commerce act provides a penalty not to exceed \$5,000 for each violation of the provisions of the act. It was contended by the defendants that each car of coal shipped in violation of the clause could be construed under the act as an offense, and that the Lehigh Valley railroad shipped daily 1,200 cars of anthracite coal in interstate commerce that railroad, under such an interpretation, would be liable to a fine of \$6,000,000 each day.

### Opinion of Judge Gray.

Judge Gray, in his opinion, in taking up the commodities clause, says: "The clause is the scope of legislative power granted by the language of the commerce clause, and as far as the supreme court has undoubtedly gone in sustaining the validity of legislation under it, we think it may be safely said that no assertion of this power hitherto by congress has been so far reaching, or affected in so serious a degree, individual liberty and property rights as this. Under the constitution and laws of a state as the enactment we are here considering. It is not to be denied that the right to carry in interstate commerce coal which they own in whole or in part, or which is mined or produced by them or under their authority or by coal companies in which they are stockholders was, until the passage of the act in question, a lawful right of these defendants; that it was a common right of property, was neither denied or disputed by the common or statute law of Pennsylvania; that it was a most important property right, the enjoyment and exercise of which was neither criminal nor immoral."

Continued on Page 2.



Still in Operation.

## CHARGED WITH RUSTIN MURDER EVIDENCE NOT STRONG ENOUGH DEER & RO GRANDE BONDS

Charles E. Davis, Brother of  
Omaha Banker, Now Un-  
der Arrest.

Omaha, Sept. 10.—Late this afternoon County Attorney English filed a complaint against Charles E. Davis, charging him with murder in the first degree in connection with the shooting of Dr. Frederick Rustin the morning of September 2. The time of the hearing was not set.

An important development was brought to the attention of the county attorney late this afternoon when Dr. J. P. Lord, the physician called by Mrs. Rustin to attend her husband immediately following the shooting, told the police that on his way to the Rustin home on the morning of the shooting he met a man answering the description of Davis, who was shot where Dr. Rustin was shot, and coming from the direction of the dying physician's home.

### Omitted at Inquest.

This feature was not brought out at the inquest, although Dr. Lord was one of the witnesses. Chief Donahue this afternoon declared it was the most significant bit of evidence thus far secured. Dr. Lord gave a very minute description of the man, which follows very closely in detail that of Charles E. Davis.

### Evidence Important.

Dr. Lord's story fits well into the evidence presented to the coroner's jury, and indicates that the man might have been in the vicinity of the Rustin residence ten to fifteen minutes before Dr. Lord met him, or about the time the shooting is said to have occurred.

### JURIST REFUSED TO PUT UP

Attempt of Indiana Republican Com-  
mittee to Assess Judge \$200 for  
Campaign Purposes.

Indianapolis, Sept. 10.—Judge Frank S. Roby, of the appellate court, has refused to be assessed for campaign purposes by the Indiana Republican state committee, and a letter has been written to Judge Roby informing him that his assessment had been fixed at \$200 and requesting him to make the remittance promptly.

### DIVIDEND PASSED.

Holders of American Locomotive  
Common Out of Luck.

New York, Sept. 10.—The directors of the American Locomotive company today passed the quarterly dividend on common stock. The last quarterly dividend was 1 1/4 per cent. The regular quarterly dividend of 1 1/4 per cent on preferred stock was declared as usual today.

### AGAIN BREAKS RECORD.

Washington, Sept. 10.—Orville Wright today broke the world's record for time and distance for a heavier-than-air flying machine, which he established yesterday. In a flight requiring great skill on account of a ten-mile wind, he circled around the drill grounds at Fort Meyer fifty-eight times in 55 minutes 52 seconds, exceeding the time of yesterday's record flight by 3 minutes and 52 seconds. The flight was witnessed by nearly 1,000 persons.

Man Suspected of Stealing  
\$173,000 From the United  
States Set Free by Court.

Chicago, Sept. 10.—George W. Fitzgerald, accused by the state authorities of the theft of \$173,000 from the United States sub-treasury here, was freed by Judge Chetlain today. United States Sub-treasurer Baldwin, acting on instructions not to disclose evidence gathered by the federal authorities, took the stand and refused to testify. Judge Chetlain thereupon dismissed the case.

When the sensational theft was discovered by the federal authorities, they ultimately dropped that lead for lack of incriminating evidence. A private detective later worked on the case for Mr. Baldwin personally, and secured alleged evidence on which Fitzgerald was arrested recently on a state warrant.

At the United States district attorney's office it was asserted that the evidence was insufficient to convict. This was followed yesterday by instructions that federal employees should not testify. Without this evidence it was impossible to show the basic fact that a crime had been committed.

### NOT CAUGHT ON PINHOOK

California Man Nominated for Con-  
gress on Independence League  
Ticket Declines.

Los Angeles, Sept. 10.—Joseph Call, former United States district attorney, who was yesterday nominated for congress from the Seventh district by the Independence league, today declined the nomination. He said, in part: "I am surprised to learn that the Independence league has decided to nominate me for congress. I am not a member of, nor in any way affiliated with that organization, and under no circumstances will I accept the nomination."

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Stockholders Authorize Issu-  
ance of \$150,000,000—  
Insures Western Pacific.

Denver, Colo., Sept. 10.—Stockholders of the Denver & Rio Grande Railroad company and its subsidiaries today authorized the issuance of \$150,000,000 in bonds; the issuance of notes for that amount for three years, and the purchase of the franchises and properties of the several subsidiary railroad companies controlled by the national interests in Colorado and Utah.

The notes which will be issued may be extended to five years if the company so desires and will be secured by the new bond issue, which will replace all outstanding bonds. The notes will be issued so that money may be raised without delay.

Besides providing for improvements and extensions of the Denver & Rio Grande lines, the money which will be raised will be used in paying for construction work on the Western Pacific, building from Salt Lake City to San Francisco.

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## FORAKER CALLS JUDGE TAFT Latter Highly Elated With Sen- ator's Promise to Take Part in Campaign.

CANNON ON THE HUSTINGS

SPEAKER REPLIES TO RECENT  
SPEECH OF GOMPERS.

Cincinnati, Sept. 10.—The call of Senator Foraker at the offices of Judge Taft in the Sinton hotel, the half-hour conference which followed, and the statements of cordiality by each party to the conference, constituted the new feature of the day at the Taft headquarters.

"We had a very pleasant personal talk," said Senator Foraker, on leaving. "Yes, we talked about politics, about nothing but politics, you might say."

"There is nothing to say except that we repeated what we said at Toledo," was Judge Taft's comment after his caller had gone. He added:

### No "Peace Pact."

Mr. Taft expressed the desire that reports of the interview should contain no reference to any "peace pact," as he laughingly remarked, "There has never been interruption of peace personally between himself and Senator Foraker."

### CANNON'S CAMPAIGN.

Speaker Open His Batteries in His  
Home Town of Danville.

Danville, Ill., Sept. 10.—Speaker Joseph G. Cannon today opened his campaign for re-election to congress in his home town. Almost his entire address of nearly two hours was devoted to the question. He paid his respects to Samuel Gompers, president of the American Federation of Labor, who was here on the Labor day and attacked Mr. Cannon, inviting union workmen to vote against him. Mr. Cannon pleaded said he would never vote in congress for the boycott and some other things demanded by Gompers.

### ARREST WOMAN'S HUSBAND

Body of Mrs. Rosa Zeller Found in  
Kitchen of Her Apartment  
in New York.

New York, Sept. 10.—Believing that Mrs. Rosa Zeller was murdered and her lifeless body left in the kitchen of her apartment in West One Hundred and Third street, the coroner today caused the arrest of Albert Zeller, the dead woman's husband, and Mrs. Lena Giegler, a sister of Mr. Zeller. The husband was charged with homicide and Mrs. Giegler was charged as a witness. Zeller reported the case to the police as a suicide, but Mr. Giegler said that Mrs. Zeller was infatuated with Dr. Jacob Hockman, by whom she was formerly employed as a housekeeper.

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## LOSE CONTEST FOR DELEGATES TO CONVENTION

Independent Republicans Are  
Slightly in Control of  
the County.

EACH SIDE CLAIMS  
A SMALL MAJORITY

PARLEY CHRISTENSEN DE-  
CLARES HE LEADS IN CON-  
GRESSIONAL FIGHT.

The primaries in Salt Lake county last evening for the election of delegates to the Republican state convention to be held here next Tuesday developed several interesting fights in the city districts. In the county districts, with the exception of Bingham, there was little interest taken in the selections. In Bingham a warm fight was made against Harry J. Robinson, and in all of the six districts there were sharp contests. Mr. Robinson, however, secured five of the six delegates, who will vote for him for attorney general.

An interesting feature of the primaries was the election of a large number of independent Republicans. The county delegation is almost evenly divided between the two factions of the Republican party, with the independents possibly a little in the lead.

Howell and Christensen each claim a majority of the delegates. Some of the independents would be for Benner X. Smith in case he should become a candidate for congress, and a large majority of them are for Christensen in preference to Howell.

Among the insurgents chosen as delegates were Orson H. Hewlett, Lon J. Haddock, A. B. Irvine and John Hays. Stephen H. Love, George N. Lawrence and John Q. Critchlow, three other insurgent leaders, were defeated. A vote for Howell was made against A. B. Irvine in the Forty-fourth district. N. L. Nelson, who was the opposite candidate, was chosen by a large number of machine men under the leadership of Deputy Sheriff Joseph C. Sharp. Mr. Irvine, however, was chosen.

In the city precinct of Bingham Dr. F. E. Straup, Robinson's rival, received 174 votes to 100 cast for C. E. Adderley. Hand bills were distributed by the opposition bearing the inscription "A Vote for Straup is a Vote for Robinson and Roberts." Roberts, the postmaster at Bingham, a Howell supporter, was defeated in the attack by Robinson's opponents, who declared for Benner X. Smith for congress.

In every district friends of the various candidates for state offices were in evidence. Most of the city-down candidates for office were in Salt Lake using all the influence they could control to secure as large a vote as possible. Just how much support each candidate did secure, however, is a matter of which the disappointed candidates are threatening a contest in the convention.

A large number of negroes, said to have been under the guidance of Attorney William Newton, were seen at the delegates' meeting. Senator George Sutherland and Aaron Myers, will support Howell. Parley Christensen's friends are hard against the machine men in the Third district, but the two delegates chosen there were also Howell supporters.

The list of the delegates, with the exception of those chosen in some of the country precincts, will be ready for return were received last night, follows:

### City Districts.

- 1—E. O. Leatherwood, Frank Schuyler.
- 2—Raymond A. Sermon, H. V. Van Pelt.
- 3—Carl A. Badger, George Baxter.
- 4—S. A. Standen, W. N. Williams.
- 5—Peter Hart, Quincy B. Nichols.
- 6—George Austin, Thomas Telferson.
- 7—George A. Smith, George Boxler.
- 8—O. H. Hewlett, Lon J. Haddock.
- 9—George B. Margetts, O. C. Brown.
- 10—A. F. Lawrence, George H. Lee.
- 11—C. H. Tingey, B. L. Rich.
- 12—Dryden Coombs, W. O. Carls.
- 13—E. D. B. Anderson, J. E. Emery.
- 14—Joseph Christensen, Isaac Emery.
- 15—George Buckle, John D. Fife.
- 16—P. B. Anderson, J. E. Emery.
- 17—E. D. Willey, Lewis B. Cannon.
- 18—Rudolph Pruhs, Gundardo Brown.
- 19—James E. Spowan, Brigham Legg.
- 20—W. A. Sperry, W. N. Williams.
- 21—John W. Currie, W. P. Appleby.
- 22—F. E. Easley, Ernest C. Emerson.
- 23—Thomas H. Indley, James H. Sullivan.
- 24—H. Alma Belser, F. C. Miller.
- 25—Charles Margetts, Joseph J. Meyers.
- 26—Harry J. Robinson, W. E. Vigus.
- 27—J. J. Greenwald, A. E. Rawlings.
- 28—Frank Emery, H. E. Rawlings.
- 29—Fred W. Price, J. A. Ekman.
- 30—James W. Wilson, Fred Nance.
- 31—E. D. Miller, W. N. Williams.
- 32—Alonzo P. Kessler, Joseph Burdette.
- 33—George A. Davis, Ell A. Folland.
- 34—Helen C. Anderson, J. E. Emery.
- 35—R. R. Caldwell, Nephi L. Morris.
- 36—R. R. Widdison, W. P. Nebeker.
- 37—Stanley Taylor, Charles Lee.
- 38—C. M. Nielsen, T. H. Morrison.
- 39—Nels Forsberg, Peter A. Anderson.
- 40—T. C. Callister, W. S. Higham.
- 41—W. C. Spence, A. W. Felt.
- 42—A. B. Irvine, Miles Romney.
- 43—John James, Marlow Cummings.
- 44—H. A. McMillan, W. D. Calderwood.
- 45—J. H. Anderson, John P. Sorenson.
- 46—T. C. Callister, W. S. Higham.
- 47—W. R. Hutchinson, James Christensen.
- 48—A. L. Hoppaugh, Arthur E. Graham.
- 49—Harry Hubert, John M. Hays.

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## STANDARD OIL OFFICIAL ORDERED TO PRODUCE CERTAIN CORRESPONDENCE

New York, Sept. 10.—Frank B. Kellogg, special deputy attorney general, whose is prosecuting the government's suit against the Standard Oil company of New Jersey, resorted to the United States circuit court today to force the production of letters he had previously demanded from C. T. Collins, second vice president of the Standard Oil company of Kentucky. The government's lawyer obtained from Judge Ward a subpoena ordering Mr. Collins to produce the missing letters. This was served on the Standard Oil official as he left the witness stand, where he had been testifying before Special Examiner Franklin Ferris.

The letters demanded by the government are about forty in number and were written by M. Maxon, a Standard

Oil company official, to the late W. C. Elliott, formerly a stenographer in Mr. Collins' Cincinnati office.

They dealt with alleged sums which the government alleges were paid by the Standard Oil company of Kentucky to its agents for the purpose of buying information as to competitors' shipments. This information, in some cases, was used to secure a monopoly of the railroad employees, oil inspectors and others. This, however, is denied by the Standard Oil company.

On being served with the subpoena Mr. Collins said that he would not say whether the letters would be presented or not until he had a chance to confer with counsel. The court's order states that the letters must be produced in court on Monday morning.

## HARRIMAN MAKES AN INTERESTING SPEECH AT BIG BANQUET IN OMAHA

Omaha, Sept. 10.—E. H. Harriman and his family were banqueted at the Field club this evening by the Omaha Commercial club. Mr. Harriman stopping his special train here for three hours while en route to New York. Informal speeches were made by Mr. Harriman's talk being reminiscent of the late panic. He said, in part: "Speaking of bankers—and I am somewhat familiar with those who can look up and make things tight when they want to, you know. In this last senseless money panic—senseless because it followed a decision that need not have been so far-reaching—I recollect that the poor old Union Pacific hardly more than a decade ago went through a panic that carried destruction and drove it to the shelter of the United States court. But this time it has not asked help from bankers. It

stood on its credit and emerged with scarcely a scratch.

"I could not help thinking today, as I went over the road, of the changes since I first went over it as chairman of the executive committee. I wondered then if you Nebraskaans appreciated it. I see that you do. But had our credit not been so good as to permit us to acquire other lines as feeders and to borrow money, the last panic might have again carried down the old Union Pacific."

Mr. Harriman called attention to the fact that since he has secured control of the Union and Southern Pacific the two roads had spent \$300,000,000 on betterment.

At 9 o'clock the Harriman special departed east, and it will arrive in Chicago between 8 and 9 o'clock Friday morning.